

Portugal

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports that the government or its agents committed arbitrary or unlawful killings.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, and the government generally respected judicial independence and impartiality.

Trial Procedures

The constitution provides for the right to a fair and public trial, and an independent judiciary generally enforced this right. The law presumes all defendants innocent and provides the right to be informed promptly and in detail of the charges (with free interpretation when necessary from the moment charged through all appeals). Trials are fair and public. Authorities must bring a suspect in investigative detention to trial within 14 months of a formal charge. If a suspect is not in detention, the law specifies no deadline for going to trial. When the crime is punishable by a prison sentence of eight years or longer, either the public prosecutor or the defendant may request a jury trial.

Defendants have the right to be present at their trials and to consult with an attorney, at government expense if necessary, from the time of arrest. Defendants have adequate time and facilities to prepare their defense. They may confront and question witnesses against them and present witnesses and evidence on their own behalf. Defendants cannot be compelled to testify or confess guilt. Those convicted have the right of appeal. The law extends these rights to all defendants.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary in civil matters. Citizens, foreign residents, and organizations have access to a court to bring lawsuits seeking damages for, or cessation of, a human rights violation, and they may appeal adverse domestic decisions to regional human rights bodies, such as the European Court of Human Rights. Besides judicial remedies, administrative recourse exists for alleged wrongs.

Property Restitution

Holocaust-era restitution is no longer a significant issue. The government has laws and mechanisms in place and is a signatory of the Terezin Declaration of 2009 and the Guidelines and Best Practices of 2010. The 1999 report commissioned by the government and chaired by former president and prime minister Mario Soares, at the time a member of the European Parliament, found there was “no basis for additional restitution” following the payment made by Portugal in 1960 for gold transactions carried out between Portuguese and German authorities between 1936 and 1945. Nongovernmental organizations (NGOs) and advocacy groups, including the local Jewish community, reported no significant outstanding Holocaust-era claims, including for foreign citizens. The government has not yet responded to the 2016 European Shoah Legacy Institute’s Immovable Property Restitution Study Questionnaire covering past and present restitution regimes.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

The constitution and the law prohibit discrimination based on sexual orientation and gender identity.

HIV and AIDS Social Stigma (if applicable)

No information in this sub-section. Please see the full country report for more.

Section 7. Worker Rights

d. Discrimination with Respect to Employment and Occupation

Labor laws and regulations prohibit discrimination with respect to employment and occupation, and the government effectively enforced these laws.

The law requires equal pay for equal work. According to the Ministry of Solidarity, Employment, and Social Security, however, women’s average salaries were approximately 24 percent lower than those of men.